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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20054

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

Amendment of Section 73.202(b)  
Table of Allotments  
FM Broadcast Stations  
Babb, MT )

) RM-  
) MM Docket No.

To: John A. Karousos, Chief  
Allocations Branch

**PETITION FOR RULE MAKING**

The Battani Corporation submits this Petition for the FCC's initiation of a Rule Making proceeding to amend Section 73.202(b) of the FCC's rules to allot FM channel 233C3 to Babb, MT as that community's "first local aural service."

Babb, which is located in Glacier County, is a Census Designated Place (1990 Census) in scenic northwestern Montana. Babb is near the world famous Glacier National Park and serves as a bedroom community to many of the Park's employees. It boasts its own local fire department, post office, and public school. Like other "communities" to which the FCC has allotted a "first local aural service," Babb has local churches, commercial businesses. It also has a widely honored Head Start program for the community's young children.

Petitioner has determined that channel 233C3 can be allocated to Babb in full compliance with the FCC's FM spacing rules and allotment policies. See Attachment. From the fully-spaced reference coordinates (see Attachment), full city-grade (70 dBu) service can be provided to the entire community.

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A grant of the requested allotment would serve the public interest and meet the FCC's allotment priorities by providing a "first local aural service" to Babb. See Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 5 FCC Rcd 7094, 7096 (1990).

Upon the FCC's allotment of the channel as requested and following the opening of an appropriate filing window, Petitioner will submit an application for the channel and, if granted, will promptly build the new facility.

WHEREFORE, Petitioner urges that the FCC initiate a Rule Making proceeding, receive comments and ultimately amend the FM Table of Allotments as follows:

<u>Community</u>	<u>Present Allotments</u>	<u>Proposed Allotments</u>
Babb, MT	--	233C3

Respectfully submitted,



Robert Lewis Thompson  
**TAYLOR THIEMANN & AITKEN, L.C.**  
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Alexandria, VA 22314  
(703) 836-9400

Counsel for Battani Corporation

March 19, 1999

# **ENGINEERING STATEMENT**

## **Proposed Allotment of Channel 233C3 to Babb, Montana**

The information and data contained within this engineering statement were prepared on behalf of Batanni Corporation, in support of a petition for rule making. The petitioner proposes to amend the FM Table of Allotments, 47 C.F.R. § 73.202(b) of the Commission's Rules, by allotting Channel 233C3 to Babb, Montana.

Currently, Babb has no other aural broadcast services. At a point corresponding to the following geographic coordinates the Channel 233C3 allotment can be made at Babb in compliance with the minimum distance separation requirements 47 C.F.R. § 73.207.

North Latitude: 48 degrees, 44 minutes, 28 seconds  
West Longitude: 113 degrees, 27 minutes, 38 seconds

From these reference geographic coordinates, Channel 233C3 is fully-spaced to all FCC assignments, allotments and proposals contained within the latest *FCC FM Engineering Database*. All distances were computed by the methods outlined in § 73.208(c) of the Commission's Rules and were rounded to the nearest kilometer in accordance with § 73.208(c)(8).

The results of this study demonstrate that the FM Table of Allotments in § 73.202(b) of the Commission's Rules may be amended in technical compliance with all applicable spacing rules. Therefore, the Petitioner, Batanni Corporation, respectfully requests the following changes to the Table:

### **PRESENT**

<b>CITY</b>	<b>CHANNEL</b>
Babb, Montana	----

### **PROPOSED**

<b>CITY</b>	<b>CHANNEL</b>
Babb, Montana	233C3



**Lawrence L. Morton, P.E.**  
**Consulting Engineer to the Petitioner**  
**March 18, 1999**

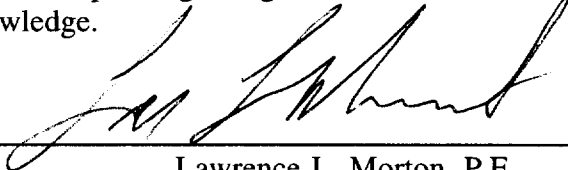
## AFFIDAVIT

State of California                    )  
  )    ss:  
County of Los Angeles                )

Lawrence L. Morton, being first duly sworn upon oath, deposes and says:

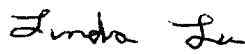
- That he is a qualified engineer,
- That he is a Registered Professional Engineer in the State of California,
- That he is a member of the Association of Federal Communications Consulting Engineers,
- That his qualifications are a matter of record with the Federal Communications Commission,
- That he has prepared many broadcast applications and engineering exhibits that have been filed with and granted by the Federal Communications Commission,
- That he has carried out such engineering work and that the results thereof are attached hereto and form part of this affidavit, and
- That the foregoing statement and the report regarding the aforementioned engineering work are true and correct of his own knowledge.

Date: March 18, 1998

  
\_\_\_\_\_  
Lawrence L. Morton, P.E.

On March 18, 1998, before me, Linda Lu, a Notary Public, in and for the State of California, personally appeared Lawrence L. Morton known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

My Commission expires 11/30/99

  
\_\_\_\_\_  
Notary Public

